

parenting. If Title IX and North Carolina law conflict, Title IX controls because it is federal law. Therefore, school administrators violate Title IX if they refuse to grant excused absences for the conditions named above.

There is a serious problem in the state process for determining which absences are excused (for any student, not only pregnant or parenting students). The problem is that the State Board's regulations on excused absences<sup>191</sup> are not consistent with the state statute that authorizes principals or superintendents to excuse temporary absences for "sickness or other unavoidable cause."<sup>192</sup> The statute says school administrators may excuse any absence unless the State Board has said it is an "unlawful" absence. The State Board, however, defines as unlawful any absence of more than half a school day that the State Board does not identify as an absence that must be excused.<sup>193</sup> In short, the State Board purports to largely deprive school officials of the discretion granted by statute. In addition, the State Board's list of lawful absences<sup>194</sup> is so restrictive that principals and superintendents cannot excuse absences that most reasonable people would agree are justified.<sup>195</sup> This places local officials in a dilemma and doubtless results in some students accumulating unexcused absences they can ill afford.

191. 16 NCAC 6E.0102.

192. G.S. 115C-378.

193. Division of School Business, N.C. Department of Public Instruction, *School Attendance and Student Accounting Manual*, Chapter 2, Section IV, "Attendance," Subsections D (Lawful Absences) and H (Unlawful Absences), October 2003 (hereafter *School Attendance and Student Accounting*). Available at <http://www.ncpublicschools.org/fbs/sasa/ch2.htm>.

194. The list is as follows: illness or injury rendering the student physically unable to attend school; quarantine or isolation; death in the immediate family; medical or dental appointments; court or administrative proceedings; religious observance; and educational opportunity for which prior approval was obtained. *School Attendance and Student Accounting*, Ch. 2, IV, D.

195. Under the State Board regulation, for example, officials could not excuse the following absences if a student were out more than half a school day: being at the bedside of a dying parent or, particularly relevant to parenting students, tending to a sick child; being under suicide watch at home; attending an immediate family member's wedding; or traveling with parents taking a sibling for major surgery.